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FAX COVER SHEET

From: Theodore M. Green/vb

Date: February 25, 2005

PLEASE DELIVER 6 PAGE(S) (including cover sheet) TO:

Name: **Fax Number: 703.872.9306**

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Please call 561.653.5000, Ext. 33635 if you do not receive all the pages.

Comments/Special Instructions

Re: Response to Restriction Requirement for
U.S. Utility Patent Application 10/635,310
INSECT BAIT
Our Ref: 5853-244

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Client/Matter No: 110345

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(WP221746;1)

PAGE 1/6 * RCVD AT 2/25/2005 2:52:09 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/4 * DNIS:8729306 * CSID:5616596313 * DURATION (mm:ss):02:12

PTC/SB/21 (02-04)

Approved for use through 07/31/2006, OMB 0851-0037

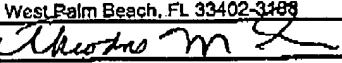
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/635,310
		Filing Date	August 6, 2003
		First Named Inventor	Warner et al.
		Art Unit	1616
		Examiner Name	Pak, John D.
Total Number of Pages in This Submission	5	Attorney Docket Number	5853-244

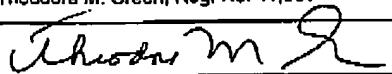
ENCLOSURES (Check all that apply)			
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Restriction Requirement
Remarks			

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Theodore M. Green/Akerman Senterfitt/Reg. No. 41,801 P.O. Box 3188 West Palm Beach, FL 33402-3188
Signature	
Date	February 25, 2005

CERTIFICATE OF TRANSMISSION/MAILING

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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$0.00)

Complete if Known

Application Number	10/635,310
Filing Date	August 6, 2003
First Named Inventor	Warner et al.
Examiner Name	Pak, John D.
Art Unit	1616
Attorney Docket No.	5853-244

METHOD OF PAYMENT (check all that apply)

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Deposit Account:

Deposit Account Number
50-0951
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The Director is authorized to: (check all that apply)

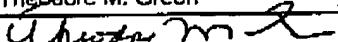
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FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
		Fee Code (\$)	Fee Code (\$)
1051 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)		(\$0.00)	
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE			
Fee from below			
Total Claims	-20** =	X	
Independent Claims	- 3** =	X	
Multiple Dependant		=	
Large Entity		Small Entity	
		Fee Description	
Fee Code (\$)	Fee Code (\$)		
1202 18	2202 9	Claims in excess of 20	
1201 86	2201 43	Independent claims in excess of 3	
1203 280	2203 145	Multiple dependent claim, if not paid	
1204 86	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)		(\$0.00)	
*or number previously paid, if greater; For Reissues, see above			
Other fee (specify) _____			
*Reduced by Basic Filing Fee Paid			SUBTOTAL (3)
			(\$0.00)

SUBMITTED BY

Name (Print/Type)	Theodore M. Green	Registration No. (Attorney/Agent)	41,801	Telephone	561.653.5000
Signature				Date	February 25, 2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO.:

10/635,310

CONFIRMATION NO.: 8146

APPLICANT:

Warner, et al.

RECEIVED

FILED:

August 6, 2003

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GROUP ART UNIT:

1616

FEB 25 2005

EXAMINER:

Pak, John D.

ATTORNEY

5853-244

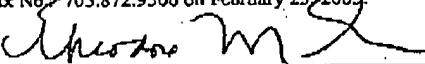
DOCKET NO.:

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FOR: Insect Bait

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Certificate of Transmission I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 703.872.9306 on February 25, 2005.  Theodore M. Green Reg. No. 41,801	
DATE: February 25, 2005	

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

The Examiner issued a restriction requirement on February 10, 2005 in which the Examiner identified Group 1, claims 1-7 and 14-19 as being drawn to an insect bait composition; Group 2, claims 8-13, 20-25 and 27 as being drawn to an insect killer/bait method and composition including a toxicant; Group 3, claim 26 as being drawn to a method

U.S. Serial No. 10/635,310
Response Dated February 25, 2005
Response To Restriction Requirement Dated February 10, 2005

of controlling insects using an insect bait including a plurality of amino acids; Group 4, claim 28 as being drawn to a method of controlling insects using mimicked compositions from nectars and honeydews and Group 5, claims 29-32 as being drawn to a method preparing a granular insect bait.

In response to the non-final Office Action (hereinafter "the Action"), Group I, claims 1-7 and 14-19 are hereby elected with traverse.

It is respectfully submitted that the Groups I and II are interrelated such that there would not be an undue burden on the Examiner in examining these two Groups. Group II provides dependent claims directed to an insect bait. While a toxicant may be added, these claims include all of the claim features of the base claims such that a search for the subject matter of Group II would necessitate a search of the subject matter of Group I as well. For example, it is respectfully submitted that if claim 1 is found to be allowed, claim 8 must, by definition, also be allowed as it depends from claim 1 and includes all of the claim features of claim 1. Accordingly, Applicants respectfully request withdrawal of the restriction requirement between these two groups.

In regards to Groups III, IV and V are directed to methods of using insect baits. Again, as Group I is directed to an insect bait, it is respectfully submitted that a search for the insect bait would include methods of using these baits such that there would not be an undue burden on the examiner in searching these groups. Accordingly, Applicants respectfully request withdrawal of the restriction requirement between Group I and these three groups.

{WP221075;1}

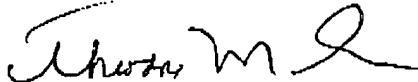
U.S. Serial No. 10/635,310
Response Dated February 25, 2005
Response To Restriction Requirement Dated February 10, 2005

It is respectfully submitted that this Response is a full and complete response to the Restriction Requirement of February 10, 2005.

No fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 50-0951.

Should the Examiner believe that anything further is necessary, the Examiner is respectfully requested to contact the undersigned representative at the telephone number listed below.

Respectfully submitted,



Date: February 25, 2005

Theodore M. Green
Reg. No. 41,801
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Telephone: 561.653.5000